



PATENT  
Attorney Docket No.: A-66914-2/RFT/NBC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
ZARLING et al. )  
Serial No.: 09/886,171 )  
Filed: June 20, 2001 )  
For: Domain Specific Gene Evolution )

Examiner: Unknown  
Group Art Unit: 1636

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, BOX MISSING PARTS, Washington, DC 20231 on May 24, 2002.

Signed: Gail Diehl  
Gail Diehl

**RESPONSE TO NOTICE TO FILE MISSING PARTS**  
***Filing Date Granted***

Assistant Commissioner for Patents  
BOX MISSING PARTS  
Washington, D.C. 20231

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ORIGINALLY FILED**

Sir:

In response to the Notice to File Missing Parts of Application, *Filing Date Granted*, mailed October 25, 2001, enclosed are the following documents:

- 1) A copy of the Notice to File Missing Parts of Application, *Filing Date Granted*;
- 2) Executed Declaration for Patent Application;
- 3) Petition for Extension of Time (5 Months):
- 4) Check in the amount of \$3,680.00 as payment for the following:

Filing Fee	\$ 740.00
Surcharge for filing the fee	
on a date later than the filing date	\$ 130.00
Excess Claims Fee	\$ 570.00
Multiple Dependent Claim Surcharge	\$ 280.00
Five (5) Month Extension of Time	\$1,960.00

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5) Return postcard.

The Assistant Commissioner is hereby authorized to charge any additional fees, including extensions, or credit any overpayment to Deposit Account 06-1300 (File A-66914-2/RFT/NBC).

Respectfully submitted,

DORSEY & WHITNEY LLP

By

A handwritten signature in dark ink, appearing to read "Richard F. Trecartin", written over a horizontal line.

Richard F. Trecartin  
Registration No. 31,801  
submitted under 37 C.F.R. §1.34(a)

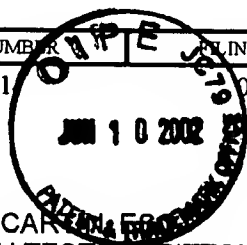
Suite 3400  
Four Embarcadero Center  
San Francisco, California 94111-4187  
Telephone: (415) 781-1989  
Date: 5/24/02  
1083559



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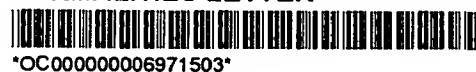
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/886,171	06/21/2001	David Zarling	A-66914-2/RFT/BTC/AMS



RICHARD F. TRECAR  
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Suite 3400  
Four Embarcadero Center  
San Francisco, CA 94111-4187

CONFIRMATION NO. 8414

## FORMALITIES LETTER



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Date Mailed: 10/25/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$836.
 

06/13/2002 BNGUYEN1 00000018 09886171	
02 FC:101	740.00 OP
03 FC:102	84.00 OP
04 FC:103	486.00 OP
05 FC:104	280.00 OP
06 FC:105	130.00 OP

  - \$486 for 27 total claims over 20.
  - \$80 for 1 independent claims over 3.
  - \$270 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1676.

The following item(s) appear to have been omitted from the application:

- Figure(s) 3A,B, 4, 6 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

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